

MAR 11 2014

UNITED STATES DISTRICT COURT

for the
District of Maryland

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

United States of America

v.

MARK ANTHONY MONTAQUE

Defendant(s)

Case No.

14-0585SAG

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 19, 2013 in the county of Baltimore City in the
District of Maryland, the defendant(s) violated:

Code Section

18 U.S.C. Section 922(g)(1)

Offense Description

Possession of a firearm by a previously convicted person

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

SA Michael Groth, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date:

March 10, 2014

City and state:

Baltimore, Maryland

Judge's signature

Stephanie A. Gallagher, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your Affiant, Michel Groth, being duly sworn, deposes and states as follows:

1. I am a Special Agent (SA) with of the U.S. Department of Justice, Bureau of Alcohol Tobacco, Firearms and Explosives (ATF), and have been since 2001. I have received specialized training in the investigation of violations of federal/state firearms and narcotics laws. In my current capacity, I am responsible for investigations of federal/state firearms and narcotics violations and the investigation of violent drug and firearm trafficking organizations.

2. I make this Affidavit in support of a criminal complaint charging the defendant, Mark Anthony Montaque, with possession of a firearm by a previously convicted person, in violation of 18 U.S.C. § 922(g)(1). The information contained in this affidavit is based on information I have received from other criminal investigators. I have not included all of the information known to investigators in this Affidavit, but I have not omitted information that I believe would tend to defeat a showing of probable cause.

3. On November 19, 2013, members of the Baltimore Police Department (BPD) executed a state search and seizure warrant at the residence of the defendant in connection with possible drug-trafficking involving both the defendant and another male who was residing in the apartment. Inside the residence, officers found the defendant and a female in a bedroom. Both were detained. Officers conducted a search of the apartment and recovered a firearm from a shoebox in the closet of the bedroom occupied by the defendant and the female. The firearm was identified as one silver H&R, .32 caliber revolver, with an obliterated serial number. The weapon was loaded and the hammer was pulled back such that the revolver was ready to fire with the pull of a trigger.

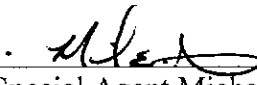
4. The defendant was transported to a police station and gave a taped statement after being advised of his *Miranda* rights. During the taped statement, the defendant stated that he had obtained the gun a few days earlier for protection and placed it in the closet with the hammer pulled back.

5. Based upon your Affiant's training and experience, the H&R revolver was not

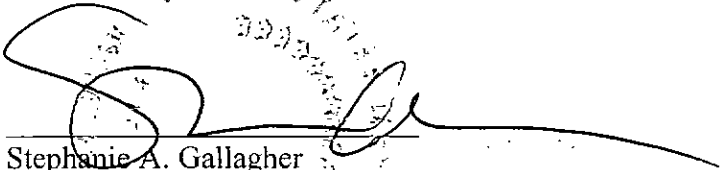
its recovery. Preliminary examination of the weapon indicates that it is a firearm capable of expelling a projectile by the action of an explosive or otherwise satisfying the definition of "firearm" found in 18 U.S.C. §§ 921 and 922(g)(1).

6. Your Affiant has reviewed criminal history records pertaining to the defendant and has determined that prior to November 19, 2013, the defendant had been convicted in a court of a crime punishable by a term of imprisonment exceeding one year.

Therefore, based upon the foregoing, your Affiant respectfully submits that there is probable cause that Mark Anthony Montague has committed the offense of possession of a firearm by a previously convicted person, in violation of 18 U.S.C. Section 922(g)(1).


Special Agent Michael Groth
Bureau of Alcohol, Tobacco, Firearms & Explosives

Subscribed and sworn to before me this 10 day of March, 2014


Stephanie A. Gallagher
United States Magistrate Judge